

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 6 July 2016 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

Contact: Jane Creer
Committee Secretary
Direct : 020-8379-4093
Tel: 020-8379-1000
Ext: 4093
E-mail: jane.creer@enfield.gov.uk
Council website: www.enfield.gov.uk

Councillors : Chris Bond (Chair), Vicki Pite and Peter Fallart

AGENDA – PART 1

1. WELCOME AND APOLOGIES FOR ABSENCE

2. DECLARATION OF INTERESTS

Members are asked to declare any disclosable pecuniary, other pecuniary or non pecuniary interests relating to items on the agenda.

3. TAVERNA, 290 GREEN LANES, LONDON, N13 5TW (REPORT NO. 50) (Pages 1 - 46)

Application to review a premises licence.

4. MINUTES OF PREVIOUS MEETING (Pages 47 - 52)

To receive and agree the minutes of the meeting held on Wednesday 8 June 2016.

5. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(There is no part 2 agenda)

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MUNICIPAL YEAR 2016/17 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
6 July 2016

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Review Application	
PREMISES : Taverna, 290 Green Lanes, LONDON, N13 5TW	
WARD : Palmers Green	

1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 On 3 March 2015 an application was made by **Mr Luigi Patrascu and Mrs Eugenia Patrascu** for a **new Premises Licence** for Taverna, 290 Green Lanes, N13 5TW.
- 1.2 The application was subject to representations from the Police and Licensing Authority who proposed additional conditions to which the applicant agreed and therefore the representations withdrawn.
- 1.3 Two representations against the application were made by Other Persons, namely local residents and the application was determined by the Licensing Sub-Committee who resolved to grant the licence in full.
- 1.4 On 13 May 2015 Premises Licence (LN/201500119) was issued, naming **Mr Luigi Patrascu and Mrs Eugenia Patrascu** as Premises Licence Holders and **Onisor Vlad Tomai** as the Designated Premises Supervisor (DPS).
- 1.5 On 4 December 2015, a Temporary Event Notice (TEN) was issued for alcohol, regulated entertainment and late night refreshment at the premises from 8pm on 24/12/15 to 6am on 25/12/15.
- 1.6 On 9 December 2015, TENs were issued for alcohol from 8pm on 31/12/15 to 2.30am on 1/1/16.
- 1.7 On 26 April 2016, a vary DPS application was granted naming **Mr Luigi Patrascu** as the new DPS.
- 1.8 The premises was previously a coffee shop and prior to that, a gift shop. No former business held a premises licence.
- 1.9 **The current Premises Licence permits:**
 - 1.9.1 **Hours the premises are open to the public:** Monday to Thursday from 08:00 to 23:00, Friday to Sunday from 08:00 to 01:00 the following day.

- 1.9.2 **Supply of alcohol (on and off supplies):** Monday to Thursday from 12:00 to 22:30, Friday to Sunday from 12:00 to 00:30 the following day.
- 1.9.3 **Live music (Indoors):** Monday to Thursday from 12:00 to 23:00, Friday to Sunday from 14:00 to 01:00 the following day.
- 1.9.4 **Recorded music (Indoors):** Monday to Thursday from 12:00 to 23:00, Friday to Sunday from 14:00 to 01:00 the following day.
- 1.9.5 **Performance of Dance (Indoors):** Monday to Thursday from 12:00 to 23:00, Friday to Sunday from 12:00 to 01:00 the following day.
- 1.9.6 **Late Night Refreshment (indoors):** Friday to Sunday from 23:00 to 00:45 the following day.
- 1.10 A copy of a location map of the premises is attached in Annex 1.
- 1.15 A copy of the current premises licence (LN/201500119) is attached in Annex 2.

2 THIS APPLICATION:

- 2.1 On 13 May 2016 an application was made by the Licensing Authority for the review of Premises Licence LN/201500119.
- 2.2 The review application relates to the prevention of public nuisance and public safety licensing objectives and is made because the premises has been issued with a noise abatement notice following a statutory nuisance relating to loud music was witnessed.
- 2.3 The authority considers that it is now appropriate, for the promotion of the licensing objectives, to remove live music from the Premises Licence, and to modify conditions.
- 2.4 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the review application is attached as Annex 03.

3 RELEVANT REPRESENTATIONS:

- 3.1 No representations were made in respect of this review application, however a witness statement has been provided in support of the review application by the Metropolitan Police.
- 3.2 The Licensing Authority has provided Additional Information which includes the statement from the Police and is attached as Annex 04.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The conditions arising from this review application have been agreed by the Premises Licence Holder, and are attached as Annex 05.

5 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.1 The paragraphs below are extracted from either:
 - 5.1.1 the Licensing Act 2003 ('Act'); or
 - 5.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or
 - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles:

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4 (1)].
- 5.3 The licensing objectives are:
 - 5.3.1 the prevention of crime and disorder;
 - 5.3.2 public safety;
 - 5.3.3 the prevention of public nuisance; &
 - 5.3.4 the protection of children from harm [Act s.4 (2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to:
 - 5.4.1 the Council's licensing policy statement; &
 - 5.4.2 guidance issued by the Secretary of State [Act s.4 (3)].

Review:

- 5.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

Live and Recorded Music:

- 5.6 The Live Music 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. The Licensing Authority does not deem it appropriate for this premises to be able to make use of this Live Music Act 2012 provisions.
- 5.7 Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 - March 2015 states the following in relation to this situation:
- 5.8 Section 15.55: On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension of live music related conditions and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing Authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.
- 5.9 Section 15.56: An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements.

Decision:

5.10 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

5.10.1 to modify the conditions of the licence;

5.10.2 to exclude a licensable activity from the scope of the licence;

5.10.3 to remove the designated premises supervisor

5.10.4 to suspend the licence for a period not exceeding three months;

5.10.5 to revoke the licence [Act s.52].

5.11 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8543

Drq.No. 6800HT
Scale 1:1250
Date 16/06/2016

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ENFIELD
Council



LONDON BOROUGH OF ENFIELD
CIVIC CENTRE, SILVER STREET,
ENFIELD, EN1 3XE
www.enfield.gov.uk

Taverna, 290 Green Lanes, LONDON, N13 5TW



Annex 1

Mr & Mrs Patrascu
480A Hoe Street
Walthamstow
London
E17 9AH

Please reply to Rose McMurray
: Licensing Unit
PO Box 57, Civic
Centre
Silver Street, Enfield,
Middx EN1 3XH
E-mail : licensing@enfield.gov.uk
Phone : 020 8379 3578
Textphone : 020 8379 4419
Fax : 020 8379 2190
My Ref : LN/201500119
Your Ref : NOT PROVIDED
Date : 27th April 2016

Dear Mr & Mrs Patrascu

Licensing Act 2003

Premises : Taverna, 290 Green Lanes, LONDON, N13 5TW

This letter concerns the application for a Variation of the DPS on a Premises Licence under the Licensing Act 2003.

Please find the licence enclosed. Please check the details on the licence carefully, the Licensing Authority is prepared to correct any of our clerical errors within 28 days of the licence being issued.

Note - Transfers

On the grant of a transfer application, any notification or permit (under the Gambling Act 2005) in respect of gaming machines at the premises becomes null and void. A new notification or permit will need to be sought by the new holder of the premises licence (under the Licensing Act 2003) before gaming machines may be lawfully provided at the premises.

Please be advised that the licence does not override any restrictions on trading hours etc. that may apply to the premises in respect of planning permission and/or Sunday trading & etc.

The terms, conditions and restrictions of the licence must be complied with whenever the premise is used for licensable activities. Failure to comply with the licence is a criminal offence with, on conviction, a maximum fine of £20,000 and/or up to 6 months imprisonment.

Ian Davis
Director - Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

Phone: 020 8379 1000
Website: www.enfield.gov.uk

The Licensing Enforcement Team advise as follows

In order to support premises in meeting the conditions of their licence, the Licensing Authority has produced material such as training guidance, leave quietly signs, refusals book, which can be found on the Enfield website by following this link:

http://www.enfield.gov.uk/downloads/download/2316/compliance_documents

Please print the material relevant to the conditions and use in accordance with your licence.

Please be advised that a premises licence lapses if the holder of the licence : dies; becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence; becomes insolvent; is dissolved; or if it is a club, ceases to be a recognised club. An individual becomes insolvent on : the approval of a voluntary arrangement proposed by him; being adjudged bankrupt or having his estate sequestrated; or entering into a deed of arrangement made for the benefit of his creditors or a trust deed for his creditors. A company becomes insolvent on : the approval of a voluntary arrangement proposed by its directors; the appointment of an administrator in respect of the company; the appointment of an administrative receiver in respect of the company; or going into liquidation.

The licence, or a certified copy of it, must be kept on the premises at all times and must be produced on request to any authorised officer. The summary of the licence must be prominently displayed within the premises.

The London Fire Brigade advise as follows :

The issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. There should be evidence however that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will be expected in the following circumstances:

- (1) in premises that could potentially become overcrowded; for example bars, pubs, clubs, and other places of public assembly ;
- (2) where an engineered solution or BS 9999 has been used to increase capacity;
- (3) where capacity is risk-critical; for example where the premises use has a higher occupancy factor than that which the building was designed for.

Where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity.

Should you wish to change the operation of the premises in the future by adding new licensable activities or by changing the hours or removing conditions then you will need to apply for a variation of the licence. Please contact us for further advice.

You must notify the licensing authority of any change in the name and/or address of either the premises licence holder or the designated premises supervisor.

The licence is subject to an annual fee, payable on each anniversary of the licence first being granted.

Please be advised that if you are playing music in your business – to staff or customers – it is a legal requirement to obtain permission from the copyright holders. Two organisations exist to help make sure you are correctly licensed to play the music you want. PPL collects royalties on behalf of performers and record companies. PRS for Music collects royalties on behalf of songwriters, composers and music publishers. In most instances, a licence from both organisations is needed to ensure all copyright holders are correctly paid for the use of their music. If you play music in your business, please contact PPL and PRS for Music to obtain the right licences for you. Please visit ppluk.com and prsformusic.com for more information on music licensing or call PPL on 020 7534 1095 and PRS for Music on 0800 068 4828.

All employers have a responsibility to prevent illegal migrant working in the UK. Failure to comply could lead to a penalty of up to £10,000 per illegal worker. Home Office guidance is available at www.ukba.homeoffice.gov.uk/employers/preventillegalworking/

If you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'EG' with a long horizontal stroke extending to the right.

Ellie Green
Principal Licensing Officer

Licensing Act 2003**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201500119

Part 1 – Premises Details

Postal address of premises :

Premises name : Taverna

Telephone number : 07442 811750

Address : 290 Green Lanes LONDON N13 5TW

Where the licence is time-limited, the dates : Not time limited

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities :

(1) Open to the Public - Whole Premises

Sunday :	08:00 - 01:00
Monday :	08:00 - 23:00
Tuesday :	08:00 - 23:00
Wednesday :	08:00 - 23:00
Thursday :	08:00 - 23:00
Friday :	08:00 - 01:00
Saturday :	08:00 - 01:00

(2) Supply of Alcohol - On & Off Supplies

Sunday :	12:00 - 00:30
Monday :	12:00 - 22:30
Tuesday :	12:00 - 22:30
Wednesday :	12:00 - 22:30
Thursday :	12:00 - 22:30
Friday :	12:00 - 00:30
Saturday :	12:00 - 00:30

(3) Live Music - Indoors

Sunday :	14:00 - 01:00
Monday :	12:00 - 23:00
Tuesday :	12:00 - 23:00
Wednesday :	12:00 - 23:00

Thursday :	12:00 - 23:00
Friday :	14:00 - 01:00
Saturday :	14:00 - 01:00

(4) Recorded Music - Indoors

Sunday :	14:00 - 01:00
Monday :	12:00 - 23:00
Tuesday :	12:00 - 23:00
Wednesday :	12:00 - 23:00
Thursday :	12:00 - 23:00
Friday :	14:00 - 01:00
Saturday :	14:00 - 01:00

(5) Performance of Dance - Indoors

Sunday :	12:00 - 01:00
Monday :	12:00 - 23:00
Tuesday :	12:00 - 23:00
Wednesday :	12:00 - 23:00
Thursday :	12:00 - 23:00
Friday :	12:00 - 01:00
Saturday :	12:00 - 01:00

(6) Late Night Refreshment - Indoors

Sunday :	23:00 - 00:45
Monday :	-
Tuesday :	-
Wednesday :	-
Thursday :	-
Friday :	23:00 - 00:45
Saturday :	23:00 - 00:45

Part 2

Name and (registered) address of holder of premises licence :

Name : Mr Luigi Marian Patrascu

Telephone number : Not provided

e-mail : gina_patrascu2004@yahoo.com

Address : 480 Hoe Street, Walthamstow, London, E17 9AH

Registered number of holder (where applicable) :

Not provided

Name and (registered) address of second holder of premises licence (where applicable) :

Name : Mrs Eugenia Patrascu

Telephone number : 07787 536067

Address : 480 Hoe Street, Walthamstow, London, , , E17 9AH,

Name and address of designated premises supervisor (where the licence authorises the supply of alcohol) :

Name : Mr Luigi Marian Patrascu

Telephone number : Not provided

e-mail : Not provided

Address : 480A Hoe Street, Walthamstow, London, E17 9AH

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol) :

Personal Licence Number : Z01N10480H/1

Issuing Authority : London Borough of Enfield

Premises Licence LN/201500119 was first granted on 29/04/2015.

Signed :



Date : 27th April 2016

**for and on behalf of the
London Borough of Enfield
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578**



Annex 1 - Mandatory conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2. A digital CCTV system must be installed in the premises complying with the following criteria:

1. Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.
2. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
3. Be capable of visually confirming the nature of the crime committed.
4. Provide a linked record of the date, time, and place of any image.
5. Provide good quality images.
6. Operate under existing light levels within and outside the premises.
7. Have the recording device located in a secure area or locked cabinet.
8. Have a monitor to review images and recorded picture quality.
9. Be regularly maintained to ensure continuous quality of image capture and retention.
10. Have signage displayed in the customer area to advise that CCTV is in operation.
11. Digital images must be kept for 31 days.
12. Police or authorised local authority employees will have access to images at any reasonable time.
13. The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

3. An alarm system shall be installed, operated and maintained at the premises.

4. A minimum of two door supervisors shall be employed on the premises whenever a booking is taken for over 40 people from 21:00 until the premises has closed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. Door Supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.

5. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Designated Public Place Order' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
6. The premises shall only operate as a restaurant: (a) in which customers are shown to their table; (b) where the supply of alcohol is by waiter or waitress service only; (c) which provide food in the form of substantial table meals that are prepared on the premises and served and consumed at the table using non disposable crockery; (d) which do not provide any take away service of food or drink for immediate consumption; (e) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
7. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.
8. There will be no pay to enter on the night events.
9. Signs shall be displayed at the entrance, toilets and other public areas of the premises informing that this premises is 'A DRUG FREE ZONE.'
10. A log must be kept indicating the date and times door supervisors sign in and out for duty and must include details of each door supervisors clearly printed name, SIA licence number, employer, and the duty they are employed on any particular night.
11. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
12. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
13. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
14. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.
15. Children under 14 years not accompanied by an adult are not permitted to remain at or enter the premises after 21:00 hours.

16. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

17. The maximum number of persons on the premises at any one time shall not exceed 60.

18. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

19. All external doors and windows to be kept closed but not locked whilst regulated entertainment music is provided.

20. An external area at the front of the premises shall be designated for the use of smokers from 9pm until closing time, there shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area at any time.

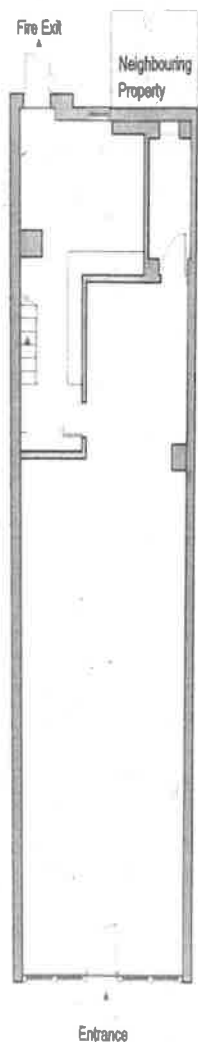
21. Staff shall actively discourage patrons from congregating around the outside of the premises.

22. Wall mounted ashtrays shall be provided outside the premises.

23. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

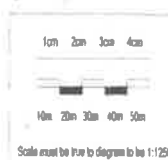
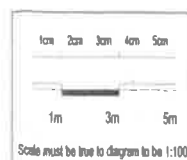
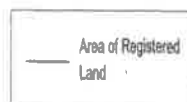
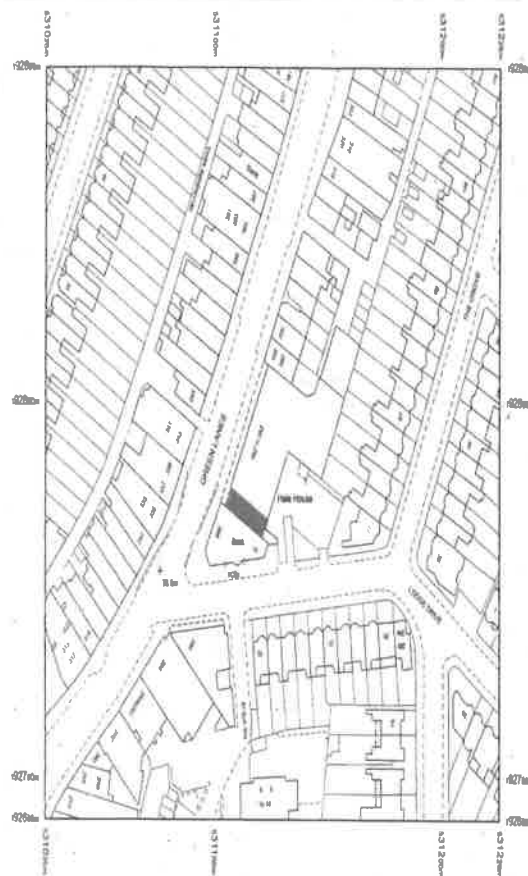
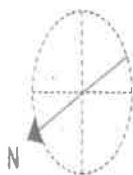
Annex 4 – Plans



P1 Ground Plan
Scale: 1:100



P2 1st Floor Plan (Mezzanine Floor)
Scale: 1:100



290 Green Lanes, Palmer's Green, Enfield.	N13 5TH
Project No.	00_12
Drawing No.	0000_01
Drawing	Lease plan
Scale	1:100 @ A3
Revision A	Date: 20/09/10
Do not use drawings for construction purposes	

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Charlotte Palmer Senior Licensing Enforcement Officer**

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Taverna, 290 Green Lanes	
Post town	Post code (if known)
Palmers Green	N13 5TW
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Luigi Marian Patrascu Mrs Eugenia Patrascu	
Number of premises licence or club premises certificate (if known)	
LN/201500119	

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below)



- 3) a member of the club to which this application relates (please complete (A) ☐ below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev) ☐

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Charlotte Palmer Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 3965
E-mail address: charlotte.palmer@enfield.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|---|
| 1) the prevention of crime and disorder | |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | |

Please state the ground(s) for review: (please read guidance note 1)

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that live music at the premises has been played so loudly that an abatement notice has been served in respect of statutory nuisance arising from the production of noisy music.

This review is primarily based on the prevention of public nuisance licensing objective and also public safety. **The review application is to remove live music from the licence, to amend two conditions and to add four condition.**

Background Information:

Please provide as much information as possible to support the application
(please read guidance note 2)

Complaint and Visit History of Premises

Wednesday 13/05/15 - Premises Licence granted.

Saturday 18/07/15 – 23.09 – Noise complaint received in relation to loud music escaping through open kitchen door at the back of the premises. 23:39 - Visited location. Music audible from Lodge Drive. Noise officers spoke with owners - Mr & Mrs Patrascu. Advised live music was too loud. Advised to close kitchen door and any windows and to reduce volume of male singer.

Thursday 30/07/15 – 21:37 - Out of Hours Licensing Enforcement Officer (CPX/JF) carried out observations - premises closed.

Monday 30/11/15 – Complaint received from local resident alleging that the restaurant has live music every night and that on the previous night (Sunday) the music continued until 4am – alleged breach of licensed hours. The complainant

stated that there is a live band and customers stand outside smoking, making loud noise preventing complainant from sleeping.

Thursday 03/12/15 – 19:55 – 20:50 - Out of Hours Licensing Enforcement Officers (CPX/VPK) visited the premises and carried out a full licence inspection. The officers had to wait for the owner to arrive as the staff on site were unable to assist as they did not speak very much English. The following 10 conditions were being breached:

Condition 4 - Camera covering entrance not working. Owner unable to use system so could not check footage for date of compliant.

Condition 7 - Alcohol zone poster not displayed.

Condition 9 - No personal licence holder on premises on arrival.

Condition 11 - Drugs poster not displayed.

Condition 13 - Refresher training for 2 members of staff was overdue.

Condition 15 - Refusals book needed.

Condition 16 - Think 25 poster not displayed.

Condition 18 - Leave quietly poster not displayed.

Condition 20 - Sound checks not carried out and documented.

Condition 24 - Wall mounted ashtray not in place.

Officers also noted that the plan attached to the licence was not accurate. Advised to send new plan to licensing team who will advise on what type of licence application is required. Advised of recent noise complaint. Owner denied there was a problem but had not been doing sound checks. Given 14 days to comply.

Saturday 05/12/15 – 00:05 - Out of Hours Noise Officers (CLB/MPW) carried out observation. Premises appeared closed.

Friday 11/12/15 – 22:25 - Out of Hours Noise Officers (NJ/MPW) carried out observation. No music and no anti-social behaviour observed.

Sunday 13/12/15 - 01:04 - Out of Hours Noise Officers (PH) carried out observations. Arrived outside premises - 7 people standing outside smoking and talking. The front entry door open with open sign shown. 01:10 - Entered premises. Recorded music playing in the background. Five tables in premises with 1 table not seated with patrons. Approximately 25 - 30 patrons seen mostly seated. Food being served by staff and lots of food on table - **breach of licensed hours**. The music was turned off. At 01:13 - Manager Luigi Patrascu came down from upstairs as officers had requested to see the manager. Mr Patrascu said that he was upstairs having a sleep and that he had gone upstairs at approximately midnight; he said he was not aware that patrons were still inside the premises. He advised that the function was a birthday party. **The officers advised that he was operating past his licensed hours**. He said that it was just 5 minutes and that no music was being played. The officers advised him that music was being played when they arrived. He was asked for his licence - he produced his personal licence and then a folder containing a premises licence. 01:18 - Staff started bringing in tables that were outside. 01:20 - The Officers left the premises. All patrons seen inside remained seated. There was no effort made by staff to get them to leave. Two smokers walked up to the premises and were let in then after that the black shutters were lowered. This gave the appearance from the front that the premises was closed. No patrons had left the premises. 01:24 - Officers drove away from premises.

This demonstrates poor management, lack of control and a lack of consideration for public safety.

Temporary Event Notice in place **24/12/15 – 25/12/15 – 20:00 – 06:00**. Reduced to 02:30 at request of police.

Temporary Event Notice in place **31/12/15 – 01/01/16 20:00 – 02:30**.

Friday 22/01/16 – 19:55 – 22:00 - Out of Hours Licensing Enforcement Officers (CPX/VPK) visited the premises and carried out licence inspection revisit. No one at premises was able to assist. An officer (CPX) spoke to Premises Licence Holder on the telephone and he said they had lost the last inspection report so didn't know what they needed to do. Officer agreed to leave a further report with details and asked them to phone to arrange a daytime inspection. Agreed to do so. Premises smelt strongly of cigarette smoke on entry and an ash tray was seen in the kitchen. The officer advised him of this on the phone and warned him that smoking inside could lead to a fine being issued. Also warned female member of staff of this fact before leaving.

Monday 25/01/16 – Complaint received in relation to loud live music every Friday, Saturday and Sunday up until 4am - alleged breach of licensed hours.

Friday 29/01/16 – 09:36 – 10:15 - A Licensing Enforcement Officer (CPX) carried out an inspection to check the outstanding conditions. **The following 3 conditions were still being breached:**

Condition 7 - Alcohol zone poster not displayed.

Condition 13 - Staff must be training in the times and conditions of the licence every three months.

Condition 20 - sound checks to be carried out every hour during entertainment. New plan to be submitted via minor variation application.

Advised how to get a duplicate licence. Part B of the licence to be displayed. Reminded that Condition 9 - a personal licence holder to be on the premises at all times. Officer agreed to email sound template, refusals template, training information, alcohol zone poster. Advised on how to complete a Vary DPS application form.

Friday 05/02/16 – Duplicate copy of premises licence issued on request as original lost.

Friday 19/2/16 - 22:45 – 23:15 - Out of Hours Licensing Enforcement Officers (CPX/EVG) visited the premises and carried out licence inspection revisit. Parked opposite premises and music clearly audible from inside car with windows up. Entered premises and spoke to Mr Luigi Patrascu. Officers could not hear their own voices as they spoke as the music was so loud. One officer noted that the music was so loud they could feel the bass vibrating in their chest. The officers had to gesture to Mr Patrascu to turn the music down. He turned it off, and all the customers (approximately 25 people) looked at the officers. The officers advised that the music could keep it on, but needed to be much lower. The music had been a live band, three young males consisting of a singer, keyboard guitar and normal guitar. Speakers were in each corner of the room. The officers suggested he consider re positioning the speakers so that they did not face the door. The front door opened straight onto a cornered off area where smokers could go, but was effectively the pavement, i.e. no lobby. The front of the premises was entirely glass. Curtains could be pulled over the windows but had little effect. The officers checked the outstanding conditions. **The following 2 conditions were still outstanding:**

Condition 13 - no evidence of staff training

Condition 20 - sound checks not being carried out hourly

Officers advised that the music had been very loud and that the sound checks must be carried out and the music turned down in future. Inspection report completed, signed by and issued to Mr Patrascu.

Tuesday 01/03/16 – Complaint received in relation to loud music coming from the premises on Friday and Saturday evenings till after midnight.

Tuesday 08/03/16 – 22:01 - Complaint received in relation to loud music coming from the premises on Tuesday 8th March until 3:30am - alleged breach of licensed hours. The complainant advised that the music was 'unbelievable loud'. They went on to say that the premises put the shutters down and the party and music continues. The complainant stated that even as they were emailing (Tuesday 22:00) the music was loud. The complainant stated that they had also called the police three times.

Tuesday 08/03/16 – An officer (CPX) phoned the premises and advised the Premises Licence Holder of the complaint. He said that they have put something in place to prevent sound escape and it should be completed by the following day. Advised officers will visit soon to see what he has done.

Wednesday 09/03/16 – 23:40 - Complaint received relating to noise emanating from the restaurant - alleged breach of licensed hours.

Saturday 12/03/16 – Out of Hours Noise team received a complaint in relation to loud music. 23:45 – Officers visited the premises and asked the owner to turn down the volume of the music.

Sunday 13/03/16 – 00:43 – Further complaint received in relation to loud music. 02:00 – Out of Hours Noise Officers visited complainant – music audible in their property above traffic noise. Bass and vocals. Shutters down at premises. **Level of music deemed to be a statutory nuisance.**

Monday 21/03/16 – Complaint received in relation to loud music on Sunday until 06:00 on Monday morning – alleged breach of licensed hours. The complainant advised that they had also called the police.

Thursday 24/03/16 – Environmental Protection Act 1990 s.80 Abatement Notice in respect of statutory nuisance served. The notice required that they abate the nuisance forthwith and prohibit the recurrence by exercising proper control of the volume of sound generated at the premises as to ensure that the total volume of sound emitted was not likely to cause a nuisance to person residing in the vicinity. **See Appendix 1.**

Saturday 26/03/16 – 23:40 - Out of Hours Noise Team received a complaint in relation to loud music coming from the premises. 00:32 – called complainant back but call went to voicemail.

Saturday 26/03/16 – 23:49 - Out of Hours Noise Team received a complaint in relation to loud music coming from the premises. Called complainant who advised the music was still loud and people were spilling out onto the street. Arranged to visit and assess. 00:15 - Visited and went to complainants bedroom. Complainant advised that the music stopped at 2am the night before – alleged breach of licensed hours. In the bedroom with the windows closed the officers could hear music that became louder when the front doors opened. The traffic was busy and this masked the music to some extent. Once the traffic reduced the bass and drums was evident. There were approximately 15 people gathered outside. The officers advised that at that time the level witnessed was not a nuisance, mainly due to the traffic which was busy. This complainant lives further away from the premises than one of the other complainants.

Monday 04/04/16 – Noise Officer received a phone call from Mrs Patrascu who confirmed receipt of the notice. She stated that they turned off the music at the weekend and wanted to comply. Advised that they needed to control the level of the music and monitor levels properly outside across the road. Advised that if no further

complaints were received then no action would be taken. She advised that they are in the process of carrying out some insulation work and will advise once complete.

Monday 18/04/16 – Police Licensing Officer – PC Karen Staff received query from a colleague asking about the licence for this premises. They advised that they went to the premises at about 03:30 that morning and there were 30-40 people eating and drinking inside. They were told by the owner that it was a private party. **Breach of licensed hours.**

Wednesday 20/04/16 – Complaint received by Licensing Enforcement Team in relation to extremely loud music on Sunday 17th of April Sunday up until 04:00 – alleged breach of licensed hours. The complainant said they also called the police.

Friday 22/4/16 – 19:45 - Out of Hours Licensing Enforcement Officers (EVG/CPX) drove past the premises during other licence inspections. Premises was in darkness and appeared to be closed. Drove past again at approximately 21:00, premises still looked closed.

Friday 22/4/16 - 22:45 - Out of Hours Noise Officers (NJ/MPW) drove past the premises which looked closed.

On Friday night going into Saturday morning on 23 April 2016, at 00:15, Out of Hours Licensing Enforcement Officers (EVG/CPX) drove past premises again which at first sight appeared to be closed, as in total darkness. However, one male appeared to be using the smoking area directly in front of the premises, in the sectioned off area. The officers thought this was strange as the premises was closed so they parked up and approached the premises. They could hear music coming from the premises when they were approximately 20 metres away. It was not loud just audible. The officers entered the premises and spoke to Mr Patrascu. As the music inside was very loud the officers spoke to Mr Patrascu outside. He told the officers that he had put acoustic material on the windows to prevent noise escape. This was black and made it look like the premises was closed. The officers advised him that the music was still audible although not as much as previously and still needed to be reduced. Inside the premises the music was very loud. The officers advised him that they were not happy with the view into the premises being blocked by the material. They also advised him that he would be invited in for a formal meeting to discuss the continued complaints and issues with the licence.

Monday 25/04/16 – Meeting held with both Premises Licence Holders, PC Fisher and Senior Licensing Enforcement Officer (CPX). Advised that up-to-date plan still needs to be submitted via a minor variation – the plan forms part of the licence and it is an offence if it is not accurate. A DPS variation is needed (submitted that day) and that a review will be submitted because of the noise issues. Advised that officers are not happy with the sound proofing that has been stuck on the windows as it prevents people from seeing inside. Advised that there is no need for the music to be played at such a loud level and that the level must be controlled so as not to affect residents. Advised that as the Premises Licence Holder they are responsible for what goes on at the premises and must ensure that their staff and any musicians understand that they are in charge not the customers.

Tuesday 26/04/16 – DPS Variation granted.

The complaints detailed above come from 3 different local residents.

The current premises licence allows the following:

Activity	Current hours
Open	08:00 – 23:00 Mon – Thurs 08:00 – 01:00 Fri – Sat
Alcohol (on and off sales)	12:00 – 22:30 Mon – Thurs 12:00 – 00:30 Fri – Sat
Live music	12:00 – 23:00 Mon – Thurs
Recorded music	14:00 – 01:00 Fri – Sat
Performance of dance	12:00 – 23:00 Mon – Thurs 12:00 – 01:00 Fri – Sat
LNR	23:00 – 00:45 Fri – Sun

In Summary:

Twelve complaints have been made about this premises in just ten months. Live music has been provided at such a level to be deemed a statutory noise nuisance and an abatement notice has been served.

There are residential properties above the parades of shops in this area.

Despite being advised several times Mr Patrascu still does not appear to understand that the level of the music is unnecessary and uncomfortably loud and that that is the problem. He has gone to the expense of installing some sound insulation to the windows but what he needs to do it have proper control over the volume of the music.

The Licensing Authority has no confidence that the premises licence holders are able to control the volume sufficiently and is therefore seeking to remove live music from the premises licence altogether.

The plan attached to the licence is still not accurate. The Licensing Authority therefore also suggests that the licence be suspended until such time as a new accurate plan has been submitted and an up-to-date licence has been issued.

Detailed below are amended and additional conditions that the Licensing Authority believed should be added to the licence.

The Live Music Act 2012

The Live Music 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. The Licensing Authority does not deem it appropriate for this premises to be able to make use of this Live Music Act 2012 provisions.

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 - March 2015 states the following in relation to this situation:

Licence reviews: Live and recorded music

- 15.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension 71

and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

- 15.56 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements 72.

If the Licensing subcommittee is minded to remove live music from the premises licence then the Licensing Authority requests that the following condition be added to the licence to prevent the premises making use of the provision of the Live Music Act 2012:

Additional condition

- Live music shall not be provided at the premises at any time. Section 177A of the Licensing Act 2003 does not apply to this condition.
- The windows of the premises shall be kept clear of obstruction at all times to enable view into the premises from outside.
- The security shutters shall not be pulled down whilst people are still inside the building.
- There shall always be a member of staff on the premises who knows how to use the CCTV system.

Condition to be amended:

If the committee is minded to remove live music from the premises licence then the Licensing Authority also asks that the following condition be amended as follows:

Condition 18

The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst **regulated entertainment** is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

Amend to:

The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst **recorded music** is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be

taken to reduce this i.e. turning volume down. **Section 177A of the Licensing Act 2003 does not apply to this condition.**

Conditions 19

All external doors and windows to be kept closed but not locked whilst **regulated entertainment** music is provided.

Amend to:

All external doors and windows to be kept closed but not locked whilst **recorded music** is provided.

The Licensing Authority reserve the right to add any additional information to support this review application.

Suspension of Licence:	Y
Revocation of Licence:	N
Recommended period of suspension (max 3 months):	
The Licensing Authority recommends that this licence be suspended until such time as the plan attached to the licence accurately reflect the layout of the premises.	

Please tick yes

Have you made an application for review relating to this premises before No ☐

If yes please state the date of that application

Day Month Year

☐

If you have made representations before relating to these premises please state what they were and when you made them.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



Signature:

Date: 13th May 2016

Capacity: Licensing Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Appendix 1

Charlotte Palmer

From: Philip Bray
Sent: 24 March 2016 13:41
To: 'gina_patrascu2004@yahoo.com'
Subject: Taverna 290 Green Lanes [SEC=PROTECT]
Attachments: Notice.pdf; Covering letter.pdf

Classification: PROTECT

Dear Mrs Patrascu,

Please find attached a Noise Abatement Notice served on Taverna, 290 Green Lanes, N13 5TW.

The notice has been served further to a complaint that was received in the early hours of Sunday 13th March 2016. A noise nuisance was witnessed despite having visited the premise a few hours earlier to advise of the level of noise being generated.

If you have any queries do not hesitate to contact me.

Regards

Philip Bray
Housing Health And Safety Manager
Planning, Highways & Transportation
Regeneration & Environment Department
Enfield Council

☎ 020 8379 3655

☎ (Mob) 07958 627757

✉ Philip.bray@enfield.gov.uk

www.enfield.gov.uk

Classification: PROTECT

Appendix 1



Mr Luigi Marian Patrascu
480 Hoe Street
Walthamstow
London
E17 9AH

Please reply to: Mr Philip Bray

E-mail : Philip.bray@enfield.gov.uk
My Ref : WK/215089534
Your Ref :
Date : 24 March 2016

Dear Mr Patrascu,

**Re: Environmental Protection Act 1990 Section 80
Premises: Taverna, 290 Green Lanes, N13 5TW**

Please find enclosed a noise nuisance abatement notice concerning the production of music at Taverna, 290 Green Lanes, N13 5TW.

From the service of this notice you are required to abate the said nuisance forthwith. Failure to comply with this notice will result in the Council taking further legal action. If you wish to appeal against this notice you have 21 days to do so and will need to report to:

Enfield Magistrates Court
The Court House
Lordship Lane
Tottenham London
N17 6RT.

Should you wish to discuss the matter further, please do not hesitate to contact me on the number given above

Yours sincerely

Philip Bray
Principal Environmental Health Officer

Ian Davis
Director - Regeneration &
Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY



Website: www.enfield.gov.uk

? If you need this document in another language or format contact the service using the details above.

LONDON BOROUGH OF ENFIELD

REF NO WK/215089534

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: **Mr Luigi Marian Patrascu**
of: **480 Hoe Street, Walthamstow, London, W17 9AH**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] [likely [occurrence] [recurrence] of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at Taverna, 290 Green Lanes, N13 5TW within the district of the said Council arising from:

The production of noisy music

HEREBY REQUIRE YOU as the [person responsible for the said nuisance] [owner] [occupier] of the premises, Taverna, 290 Green Lanes, N13 5TW from which the noise is or would be emitted [forthwith] [within 0 days] from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

Exercise proper control of the volume of sound generated at the premises so as to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[the noise to which this notice relates is [injurious to health] [likely to be of a limited duration such that suspension would render the notice of no practical effect]]

[the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance] .]

/contd

REF NO WK/215089534

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale*, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine not exceeding £20,000. The Council may take proceedings for securing the abatement, prohibition or restriction of the nuisance.

Signed



Philip Bray
Principal Environmental Health Officer

Dated 24th March 2015

*Currently £5000, subject to alteration by Order.

"Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice."

NB See attached explanatory notes N6 (N)

Address for all communications:
London Borough of Enfield
Planning & Environmental Protection
PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XH

ENVIRONMENTAL PROTECTION ACT 1990-SECTION 80
ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

NOTES (N6(N))
(as amended)

The Statutory Nuisance (Appeals) Regulations 1990 provide as follows:
APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990
("the 1990 Act")

2. - (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -

(a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);

(b) that there has been some informality, defect or error in, or in connection with, the abatement notice; or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

(c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

(d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

(e) where the nuisance to which the notice relates -

(i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or

(ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or

(iii) is a nuisance falling within section 79(1)(ga)[4] of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance; or

(iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and

(aa) the artificial light is emitted from industrial, trade or business premises, or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act)

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -

(i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or

(ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or

(iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice

relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being -

(i) the person responsible for the nuisance, or

(ii) the person responsible for the vehicle, machinery or equipment, or

(iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

(iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being -

(i) in the case where the appellant is the owner of the premises, the occupier of the premises, or

(ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -

(i) a person also responsible for the nuisance, or

(ii) a person who is also owner of the premises, or

(iii) a person who is also an occupier of the premises, or

(iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

(a) quash the abatement notice to which the appeal relates, or

(b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or

(c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

(a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or

(b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court -

(a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

(b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that the person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of notice

3.- (1) Where -

(a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -

(b) either -

(i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works

before the hearing of the appeal, or

(ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

(a) the nuisance to which the abatement notice relates -

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice -

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect

notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Taverna
 290 Green Lanes
 London
 N13 5TW

Type of Application: Review of Premises Licence

Detailed below is additional information not previously included in the review application submitted on 13/05/16:

More detailed notes from the officers who visited the premises on 12th March 2016:
 23:15 – Out of Hours Noise Officers (PGB /RJA) carried out observations outside the premises. The premises was open with 5 people standing outside smoking. The officers parked opposite the premises. Loud music was evident especially when the front door opened. The vocal was very noticeable. 23:19 approximately 10 people outside. The music appeared to consist of upbeat violin, drum, bass. Mainly men standing outside smoking. The officers couldn't see any obvious door supervisor on the door. The music appeared to be live. With the traffic being relatively busy it did not appear to be a nuisance from opposite at that time. 23:28 - music was still evidence opposite. 23:40 - music was still evident opposite and now louder even with the door shut. The officers approached the premises to advise them to reduce the volume. A male who appeared to be drunk prevented the officers from entering the premises. Eventually he agreed to get the manager and a male called Pascu Migual came out and the music went down. He stated the music would stay low. The owner Mr Luigi Patrascu then came out and advised of the sound proofing he had carried out. He said that he was due to fit a second door at the entrance. The officers left the premises.
 02:00 - Re-visited location due to a complaint. Music was being played loud with shutters down, 02:10 music still on.

Sunday 12th June 2016 – 23:47 - Complaint received relating to loud music. Complainant stated that on the previous Sunday and again that night they were being disturbed by loud music from the premises.

Friday 17th June 2016 – Senior Licensing Enforcement Officer (CPX) checked the Facebook page for the premises to see if any public events were being advertising for 17th – 18th April 2016. An event was advertised and showed how much it cost to attend **(potential breach of conditions 8)**. This shows that it was not a private event and therefore a breach of the premises licence. **See Appendix 2.**

Friday 17th June 2016 – 22:15 - Out of Hours Licensing Enforcement Officers (CPX/EVG) visited the premises. Premises closed.

Monday 20th June 2016 – As a result of seeing the licence review notice a local business contacted the Licensing Enforcement Team to complain about the level of the music provided at the premises and people drinking outside on the pavement. The complainant stated that on numerous occasions in the past eighteen months the sound of the music had set off the vibration alarm detectors in their shop meaning they have to attend their premises late at night in order to reset the alarm.

Tuesday 21st June 2016 – Licensing Officer PC Fisher checked the police records to see what complaints they had received in relation to the premises. See **Appendix 3**.

Planning Information

I am aware that there are planning issues and am awaiting further information from the Planning Enforcement Team. I believe an application was made to extend the licensed hours and was granted. However the extended hours cannot be used until compliance with the existing planning permission conditions has been demonstrated.

Additional Conditions

The Premises Licence Holder may wish to offer additional conditions as an alternative to having live music removed from the licence. Examples are set out in **Appendix 4**. If the Premises Licence Holder wishes to offer any or all of these conditions or any alternative conditions I have recommended they do so in writing prior to the licence review hearing.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:



Date: 27/06/2016

Facebook page for **Ristorante Pizzeria "La Taverna"**, a Mediterranean restaurant in London, United Kingdom. The page shows a 4.9 star rating and a status of "OPENS IN 45 MINUTES".

The main post is dated 12 April and contains the text: "Va asteptam in nr cat mai mare!!!!ptr i noapte incendiaraaaaaa...rez la tel.07442811750&07425192922". Below the text is a translation link.

The post features a large image of a man wearing a cap, with the text "SORIN TALENT LIVE 100% CU FORMATIA PALMESS GREEN, 290 GREEN LANES POSTCOD N13 5TW". The image also includes the restaurant's name "RISTORANTE 'LA TAVERNA'" and the date "17 APRILIE".

The page also displays a map of the location in Palmers Green, London, and a list of reviews (4.9 of 5 stars, 38 reviews).

Navigation buttons include Like, Comment, and Chat (3).

Appendix 2b

The screenshot shows a Facebook page for 'Ristorante Pizzeria "La Taverna"'. The browser address bar shows the URL 'https://www.facebook.com/Ristorante-Pizzeria-La-Taverna-51541191713231/?fref=ts'. The page header includes the Facebook logo, the restaurant name, a search bar, and navigation links for 'Charlotte', 'Home 3', and 'Find Friends'. The restaurant's location is 'Mediterranean restaurant · London, United Kingdom' with a 4.9 star rating and a note 'OPENS IN 45 MINUTES'. A search bar on the left says 'Search for posts on this Page'. On the right, a post from 'Ristorante Pizzeria "La Taverna" at Gina Cofetarie' dated '12 April London' is visible. The post text is in Romanian and English, mentioning a Sunday event on April 17th with live music and a ticket price of £10. Below the text is a video player showing a group of people. At the bottom, there is a 'Chat (3)' button and a Windows taskbar with various application icons and a system clock showing 12:26 on 17/06/2016.

https://www.facebook.com/Ristorante-Pizzeria-La-Taverna-51541191713231/?fref=ts

(2) Ristorante Pizzeria "La T..."

File Edit View Favorites Tools Help

https://support.office Web Slice Gallery

f Ristorante Pizzeria "La Taverna"

Charlotte Home 3 Find Friends

Mediterranean restaurant · London, United Kingdom

4.9 ★★★★★ OPENS IN 45 MINUTES

Search for posts on this Page

1,037 people like this

2,254 people have been here

Opens in 45 minutes · Takes bookings
Get additional info

Invite friends to like this Page

4.9 of 5 stars · 38 reviews
View reviews

ABOUT

Palmer's Green

Ristorante Pizzeria "La Taverna" at Gina Cofetarie.

12 April London

Duminica 17 Aprilie...Va asteptam in nr cat mai mare alaturi de noi!!pret bilet 10£...super spectacol , muzica Live, preparate gatite ca la "Mama Acasa".....invitat special Messy..Sorin Talent cu formatia Live 100%

Sunday April 17th... We are waiting for you in no higher join us!! Ticket price £ 10... Great show, live music, prepared cooked as "home".... Special guest messy.. Sorin Talent with live band 100 %

Rate this translation

0:03

-0:11

Chat (3)

150%

12:26 17/06/2016

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Martyn Fisher PC 357YE**Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Constable**

This statement (consisting of: 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

Date: 21st June 2018

I am Police Constable Martyn Fisher and have worked for the Metropolitan Police service for over 27 years. For the last six years I have been in post as Licensing Officer for Enfield Borough Police, dealing with all licensed premises across the borough of Enfield. My role involves proactive patrols of these premises along with tasking other officers to conduct licensing visits, offering both help and reassurance to patrons and management as well as ensuring that the premises fully uphold the licensing objectives.

This is a supporting statement regarding a review of a premises licence for a venue known as **Taverna, 290 Green Lanes, Palmers Green, N13 5TW**. It details issues of continued noise nuisance and breaches of license conditions associated with the venue that has instigated the need for LBE licensing to call for this review.

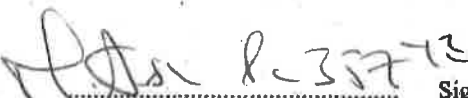
On Monday 30th November 2015 at 00:47 hours, Police received a noise complaint relating to a restaurant called Taverna, 290 Green Lanes, N13. The complainant stated that noise by way of music and people standing outside was keeping her baby awake night after night and that it was an ongoing issue. Police CAD number 300/30Nov2015 refers.

On Monday 30th November 2015 at 03:46 hours, Police received a further call re noise nuisance to Taverna Restaurant, 290 Green Lanes, N13. The complainant made reference to loud music and people standing outside drinking. Police CAD number 847/30Nov2015 refers.

On Monday 7th March 2016 at 23:40 hours, Police received a noise nuisance complaint relating to Taverna, 290 Green Lanes, N13. The complainant referred to noise emanating from the restaurant. Police CAD number 9702/07Mar2016 refers.

On Monday 18th April 2016, Police officers attended Taverna, 290 Green Lanes, N13 at 03:30 hours to conduct

Signature:



Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

RESTRICTED (when completed)

Page 2 of 2

Continuation of Statement of **Martyn Fisher PC 357YE**

an arrest enquiry and as a result found approximately 30 – 40 people inside eating and drinking alcohol. When asked, the owner stated that it was a private party. This was a breach of the premises licence as the venue should have been closed at 01:00 hours. A comment made on the report refers to the shutters being down so it appears closed as they don't have a licence and to either lift it up or enter through the back as there are people inside. Police CAD number 251/18Apr2016 refers.

I am aware that a number of noise complaints have been made by local residents to Enfield Council regarding this premises. LBE enforcement officers conducted visits to the premises as a result.

Police fully support this review application by LBE licensing and agree that the removal of live music from the premises licence would uphold the licensing objectives, particularly with regards to the prevention of public nuisance along with a temporary suspension of the premises licence until such time that an accurate plan has been submitted to the licensing authority and a new premises licence issued.

Signature: 

Signature witnessed by:

Potential Licence Conditions

A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties.

The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.

Speakers shall not be mounted to the walls or ceiling of the premises.

No amplified live music shall be provided after 23:00 until such time as a scheme detailing provisions to be made for the control of noise emanating from the building shall be submitted to and approved by the local Licensing Authority team. The approved details shall be implemented prior to amplified live music being provided at the premises and shall thereafter be maintained.

No open alcohol shall be taken outside of the licensed area.

Section 177A of the Licensing Act 2003 does not apply to conditions 18 and 19. *(this means these conditions will apply at all times not just after 23:00)*

Taverna Conditions**Annex 1 - Mandatory conditions**

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. A digital CCTV system must be installed in the premises complying with the following criteria:
 - (1). Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.
 - (2). Cameras overlooking floor areas should be wide angled to give an overview of the premises.
 - (3). Be capable of visually confirming the nature of the crime committed.
 - (4). Provide a linked record of the date, time, and place of any image.
 - (5). Provide good quality images.
 - (6). Operate under existing light levels within and outside the premises.
 - (7). Have the recording device located in a secure area or locked cabinet.
 - (8). Have a monitor to review images and recorded picture quality.
 - (9). Be regularly maintained to ensure continuous quality of image capture and retention.
 - (10). Have signage displayed in the customer area to advise that CCTV is in operation.
 - (11). Digital images must be kept for 31 days.
 - (12). Police or authorised local authority employees will have access to images at any reasonable time.
 - (13). The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the

copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

3. An alarm system shall be installed, operated and maintained at the premises.

4. A minimum of two door supervisors shall be employed on the premises whenever a booking is taken for over 40 people from 21:00 until the premises has closed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. Door Supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.

5. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Designated Public Place Order' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

6. The premises shall only operate as a restaurant: (a) in which customers are shown to their table; (b) where the supply of alcohol is by waiter or waitress service only; (c) which provide food in the form of substantial table meals that are prepared on the premises and served and consumed at the table using non disposable crockery; (d) which do not provide any take away service of food or drink for immediate consumption; (e) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

7. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.

8. There will be no pay to enter on the night events.

9. Signs shall be displayed at the entrance, toilets and other public areas of the premises informing that this premises is 'A DRUG FREE ZONE.'

10. A log must be kept indicating the date and times door supervisors sign in and out for duty and must include details of each door supervisors clearly printed name, SIA licence number, employer, and the duty they are employed on any particular night.

11. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.

12. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

13. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

14. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

15. Children under 14 years not accompanied by an adult are not permitted to remain at or enter the premises after 21:00 hours.

16. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

17. The maximum number of persons on the premises at any one time shall not exceed 60.

20. An external area at the front of the premises shall be designated for the use of smokers from 9pm until closing time, there shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area at any time.

21. Staff shall actively discourage patrons from congregating around the outside of the premises.

22. Wall mounted ashtrays shall be provided outside the premises.

23. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable

PROPOSED CONDITIONS BY THE LICENSING AUTHORITY AND AGREED BY PREMISES LICENCE HOLDER:

Condition 18: The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst **regulated entertainment** is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

Amend to: The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst **recorded music** is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down. **Section 177A of the Licensing Act 2003 does not apply to this condition.**

If the committee is minded to remove live music from the premises licence then the Licensing Authority also asks that the following condition be amended as follows:

Conditions 19: All external doors and windows to be kept closed but not locked whilst regulated entertainment music is provided.

Amend to: All external doors and windows to be kept closed but not locked whilst recorded music is provided.

Additional Conditions:

24. Live music shall not be provided at the premises at any time. Section 177A of the Licensing Act 2003 does not apply to this condition.
25. The windows of the premises shall be kept clear of obstruction at all times to enable view into the premises from outside.
26. The security shutters shall not be pulled down whilst people are still inside the building.
27. There shall always be a member of staff on the premises who knows how to use the CCTV system.

FURTHER PROPOSED CONDITIONS BY THE LICENSING AUTHORITY AND NOT AGREED BY PREMISES LICENCE HOLDER (AT TIME REPORT WAS PREPARED):

28. A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties. **Section 177A of the Licensing Act 2003 does not apply to this condition.**
29. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.
30. Speakers shall not be mounted to the walls or ceiling of the premises.
Section 177A of the Licensing Act 2003 does not apply to this condition.
31. No amplified live music shall be provided after 23:00 until such time as a scheme detailing provisions to be made for the control of noise emanating from the building shall be submitted to and approved by the local Licensing Authority team. The approved details shall be implemented prior to amplified live music being provided at the premises and shall thereafter be maintained.
32. No open alcohol shall be taken outside of the licensed area.

LICENSING SUB-COMMITTEE - 8.6.2016**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 8 JUNE 2016****COUNCILLORS**

PRESENT (Chair) Derek Levy, Vicki Pite and Eric Jukes

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), Karen Staff (Metropolitan Police Licensing Officer), Antonia Mankanjuola (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Ms Songul Aydin (Designated Premises Supervisor) and 4 further representatives on behalf of Turku Art Cafe

19**WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Levy as Chair welcomed all those present and explained the order of the meeting.

20**DECLARATION OF INTERESTS**

NOTED that there were no declarations of interest.

21**TURKU ART CAFE, 77 BOUNCES ROAD, LONDON, N9 8LD (REPORT NO. 21)**

RECEIVED the application made by the Licensing Authority for a review of the Premises Licence held by Berf Catering Ltd at the premises known as and situated at Turku Art Cafe, 77 Bounces Road, London, N9 8LD.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:
 - a. This was an application for review of a premises licence, brought by the Licensing Authority.

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- b. The premises licence had been in force since 2005. Berf Catering Ltd had been the licence holder since 15 June 2015. The Director, Ms Songul Aydin had been the Designated Premises Supervisor (DPS) since 4 August 2015.
 - c. The licence permitted live and recorded music until 23:00 Sunday to Thursday and until 00:30 on Friday and Saturday.
 - d. On 15 April 2016 an application for review of the licence was made by the Licensing Authority in relation to the prevention of public nuisance licensing objective and seeking removal of live music from the licence.
 - e. The review application was supported by the Police.
 - f. 18 letters of support from local residents / businesses / musicians / performers had been submitted, as set out in Annex 11 of the supplementary report.
 - g. Copies of noise reports had been submitted by the licence holder and were also included in the supplementary report.
 - h. On 3 June 2016 an updated noise report was provided, but this was submitted less than five working days in advance of the hearing and had therefore not been circulated.
 - i. Ms Aydin was present, with her husband, to represent herself. A friend, Ms Aslan, would assist with interpretation as required. Two local residents of 70B Bounces Road and 2 Chester Road were also present in support of the licence holders.
 - j. The Live Music Act 2012 automatically permitted provision of live music between 08:00 to 23:00 without the need for it to be named on a premises licence. The Licensing Authority did not deem it appropriate for this premises to be able to make use of this provision. Therefore, if the sub-committee was minded to remove live music from the licence before 23:00, an additional condition was sought to address that automatic entitlement. If the sub-committee was minded to permit live music before 23:00, it may be stipulated that relevant conditions on the licence become enforceable before 23:00.
2. The statement of Charlotte Palmer, Licensing Enforcement Officer, including:
- a. The Licensing Authority had submitted this review on the grounds of prevention of public nuisance.
 - b. Since 29/9/15 there had been seven complaints regarding loud music, the most recent being 28/5/16. Some of the times of complaints were relatively early – 9:15pm, 10:42pm and 10:58pm, so it was not just a problem after 11pm.
 - c. The noise was also witnessed by officers and the premises operators were told about the complaints and advice was given. The noise was at such a level as to be a statutory nuisance. An abatement notice was served, and that was subsequently breached.
 - d. The Licensing Authority did not consider this a suitable venue for live music.
 - e. If the sub-committee was minded to remove live music from the premises licence, the Licensing Authority requested that a condition be

LICENSING SUB-COMMITTEE - 8.6.2016

added to the licence to prevent the premises making use of the provision of the Live Music Act 2012, and the suggested amendment made to Condition 12.

f. The acoustic report commissioned by the licence holder, included in the supplementary report, confirmed the problem of music escaping and that “neighbouring receivers at a closer distance may experience noise breakout from the front façade of the restaurant. Furthermore, this does not take into account noise generated by audiences within the restaurant, or instances where music levels may increase.”

g. It also stated that noise would be expected without mitigation to be audible in the first floor flat and may cause unwanted disturbance. Paragraph 5 refers to proposed upgrade measures to the party floor, but keeping the ceiling of the bar intact if possible. Officers did not know if there was any agreement between the parties however, and the owners of the flat above may not agree to floor works or may withdraw any agreement, or the tenants could change the flooring. The Licensing Authority recommended that any measures should be done to the restaurant itself as the licence holder had control of that.

h. Insulating the floor of the flat above may not solve the noise nuisance in its entirety. Residents from two different addresses had complained: not from the flat above. The statutory noise nuisance was witnessed from another address.

i. A colleague had advised that other residents could be prone to flanking transmission paths: the noise could be going through walls and outwards, and work may need to be carried out for sound insulation to walls too.

j. The acoustic report made reference to sound insulation, noise limiter, and triple glazing of windows. It was noted that the statutory nuisance notice was served in February 2016, breached in March, and the licence review was submitted in April. Acoustic reports were not prepared until 19/5/16 and 2/6/16 and the work had not been done. The licence holder was also made aware of issues before 2016.

k. The performance of mitigation measures was dependent on good workmanship, without which sound insulation performance could be greatly reduced.

l. The length of time to take action was a concern, and added difficulties as officers did not know if the measures would work. If works had been carried out sooner, they could have been tested, and this hearing prevented.

m. Therefore, the Licensing Authority was still recommending removal of live music from the licence. The licence holder could apply to add or amend conditions later when officers had had a chance to test the mitigation works.

n. If the sub-committee was not minded to remove live music from the licence, officers requested a condition in respect of maintenance of mitigation measures etc, and suspension of live music until the works were completed to the Licensing Authority’s satisfaction. Draft wording had been prepared by officers.

LICENSING SUB-COMMITTEE - 8.6.2016

3. Charlotte Palmer received one question from Councillor Jukes in respect of the impact of bass / treble levels as well as how loud the music was played, and advised that tests had been done in relation to music at 85dB level and mitigation works suggested in line with that. Louder music would be more difficult to control and the recommendations made may not be sufficient to deal with the problem.
4. The statement of Karen Staff, Metropolitan Police Licensing Officer to confirm that no issues of crime and disorder had been reported in respect of this premises, but that the Police supported this application based on public nuisance grounds.
5. The statement of Ms Songul Aydin, Designated Premises Supervisor (DPS), and Mr Aydin, with translation assistance, including:
 - a. As operators, they had been concerned about the impact on the property above the premises and had wished to rent it to use for storage rather than there being a tenant living there, to reduce potential noise problems. They had been in touch with the landlord for a few months, but had been unable to take over the flat.
 - b. After February 2016 and receipt of the notice from the Council, they had tried to find solutions and did some insulation. They believed this would cut the noise, but had found that was not good enough. So an acoustic survey was then commissioned and a report done and measures had been found which would be a solution. A quote for the works was awaited from a named company, who had done a lot of jobs like this previously. They believed the noise could be controlled, and were confident that there would not be a problem for the flat above the shop any more.
 - c. When triple glazing was installed there would be no more noise.
 - d. Many people living around the premises did not have a problem. Many neighbours were supportive of the business, and two local residents had come to this hearing to speak in support.
 - e. This was a family business and the operators were also musicians. They apologised that speakers on the walls had caused vibration and there was now a new system and the sound level was better and noise was not going out. Information in the supplementary report showed how the situation had been improved.
 - f. The biggest problem involved the flat above the premises. They were prepared to do everything possible to insulate it from noise. They had spoken to the landlord and offered to let the flat or do soundproofing on the floor, but the landlord had not been co-operative and every week seemed to change to new tenants.
 - g. The acoustic company would make a final survey.
6. The suggestion of the Chair, in the light of the operators' intentions and the Licensing Authority's requirements, was that the parties may wish to take some time out for an informal discussion and may be able to reach an

LICENSING SUB-COMMITTEE - 8.6.2016

agreement without having to review the licence. This suggestion was accepted by all parties and the meeting was adjourned for 45 minutes.

7. The statement of Ellie Green, Principal Licensing Officer, following the adjournment that a number of conditions had been discussed between the Licensing Authority and the licence holder and all had been agreed. A printed copy of agreed additional conditions was distributed to the sub-committee members.
8. The statement of Charlotte Palmer, Licensing Enforcement Officer, that officers were in agreement with the additional conditions, and that the request for live music to be removed from the licence was withdrawn.
9. Ms Songul Aydin, Designated Premises Supervisor, confirmed her agreement with the additional conditions and advised that the works would be started as soon as possible.

RESOLVED that the Licensing Sub-Committee resolved that it considered the steps listed below to be appropriate for the promotion of the licensing objectives:

(a) to modify the conditions of the licence.

Conditions (in accordance with Annex 07):

- (i) Conditions 1 to 21 which are not disputed, AND
- (ii) New Conditions 22 to 27.

Agreed Additional Conditions

22. A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties.

23. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.

24. Live music shall not be provided until triple glazing has been installed to the front of the premises.

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25. Speakers shall not be mounted to the walls or ceiling of the premises.

26. Only unamplified live music shall be permitted between 20:30 and 23:00, until such time as a scheme detailing provisions to be made for the control of noise emanating from the building shall be submitted to and approved by the local Licensing Authority team. The approved details shall be implemented prior to amplified live music being provided at the premises and shall thereafter be maintained.

27. Section 177A of the Licensing Act 2003 does not apply to conditions 11, 12, 22, 23, 24, and 25.

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MINUTES OF PREVIOUS MEETING

RECEIVED the minutes of the meetings held on Wednesday 20 April 2016 and Wednesday 27 April 2016.

AGREED that the minutes of the meetings held on Wednesday 20 April 2016 and Wednesday 27 April 2016 be confirmed and signed as a correct record.